

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

FERNANDO ZAMBRANO

No. 20 CR 49

Judge Edmond E. Chang

JOINT PRETRIAL STATEMENT

The UNITED STATES OF AMERICA, through its attorney, JOHN R. LAUSCH, JR., United States Attorney for the Northern District of Illinois, and defendant FERNANDO ZAMBRANO, by his attorney DANIEL HERBERT, hereby submit the attached Joint Pretrial Statement.

I. CASE STATEMENT

Defendant Fernando Zambrano has been charged with making false statements in a matter within the jurisdiction of the United States. Specifically, the indictment alleges that the defendant knowingly and willfully made material false statements to the Federal Bureau of Investigation and Department of Homeland Security during an interview. The defendant has pled not guilty to the charge.

II. TRIAL LENGTH/ NUMBER OF JURORS

The Government intends to proceed with a jury trial it estimates will take five business days or less, with the government's case-in-chief taking an estimated two to three trial days, and the defense case, if any, taking an estimated one trial day.

The parties propose two alternate jurors and the following time limits:

Opening: 20 minutes per side.

Closing: 45 minutes per side.

III. VOIR DIRE QUESTIONS.

Agreed-Upon Questions:

1. Have you had any experience, either positive or negative, with any federal, state, or local law enforcement agency or officer that would prevent you from being a fair and impartial juror in this case?
2. Do you have strong feelings about law enforcement that would prevent you from being a fair and impartial juror in this case?
3. This case involves an investigation conducted and agents employed by the Federal Bureau of Investigation and Department of Homeland Security. Do you have any feelings regarding either of those agencies or their agents or officers that might make it difficult for you to be a fair and impartial juror in this case?
4. At various times during the case, the Court will instruct you about the applicable law. It is your obligation to follow the Court's instructions about the law, whether you agree with the law or not. If you were to find that you disagreed with the law as given to you by this Court, would you nonetheless be able to follow that law and reach a verdict by applying that law to the evidence?
5. Would you have any difficulty giving testimony from a law enforcement officer the same weight that you would give testimony from any other witness?
6. Do you have any health issues that would preclude you from giving this case your full attention?
7. Do you hold any religious, philosophical, moral, or other beliefs that would make it difficult for you to sit in judgment of another person?
8. Have you or a family member or close friend ever been arrested, charged, or convicted of a criminal offense other than a traffic offense? If so, what was the nature of the offense for which you were arrested or charged; and what was the disposition of the charge (*i.e.*, imprisonment, probation, fine, etc.)? Has this experience left you with a negative, positive or neutral impression of judges, the judicial system, prosecutors, defense attorneys, or law enforcement officers?
9. Have you, a member of your family, or close friend ever been a victim of or a witness to a crime, whether it was reported to law enforcement or not? If so, please describe the circumstances.

10. Are you or any family members or close friends with an attorney or law enforcement officer? Have you or any family members or close friends ever had any legal training or law courses or ever worked in a law office or law enforcement agency? If so, please state the circumstances. Is there anything about your experience as or with attorneys or law enforcement officers that would prevent you from being fair either to the government or the defendant in this case?
11. Have you or any member of your immediate family or any close friends ever had a serious dispute with the federal government? If so, please state the nature of the claim or dispute, any resolution of the matter and when and where the dispute occurred.
12. Have any of your close friends or relatives ever served on a jury before? If so, please explain the circumstances, including the nature of the case, whether that jury deliberated and reached a verdict, and whether you or your close friend or relative was selected as the foreperson on the jury.
13. [From defendant] What is your spouse or significant other's highest level of education?
14. [From defendant with government revision] Does anyone know of a reason why he or she could not be a fair juror in this case?
15. [From defendant] Are there certain issues that I have not covered that you feel you must discuss privately with the Court outside the presence of other jurors?

Objected-to Proposed Questions:

16. Do you feel that police officers who have been charged with a crime are likely guilty?
 - i. Government objection: addressed by question 2.
17. Do you feel that punishments for police officers who commit crimes should be harsher than punishments for everyday citizens who commit crimes?
 - i. Government objection: relevance to impartiality; concern partially addressed by questions 1, 3, 4, 9, and 13.
18. Have you ever had a political sign in your lawn or in your window, or on your car? If so, what was it for?
 - i. Government objection: relevance to impartiality.

19. Do you follow any pages or groups on social media that focus on civil injustice, police brutality, or excessive force?
 - i. Government objection: relevance to impartiality; concern partially addressed by questions 1, 3, 4, 9, and 13.
20. Have you ever participated in a march, vigil, or protest against law enforcement, a police department, or a police officer? If so, what event triggered that march, vigil, or protest? What were you trying to accomplish?
 - i. Government objection: relevance to impartiality; concern partially addressed by questions 1, 3, 4, 9, and 13.
21. Have you, a family member or a friend ever protested against law enforcement for any reason?
 - i. Government objection: relevance to impartiality; concern partially addressed by questions 1, 3, 4, 9, and 13; redundant with proposed question 20.
22. Are you suspicious of law enforcement or do not entirely trust law enforcement?
 - i. Government objection: concern addressed by addressed by questions 1, 3, 4, 9, and 13.
23. Do you feel that police officers often cover up for the wrongdoings of another officer?
 - i. Government objection: relevance to impartiality; concern partially addressed by questions 1, 3, 4, 9, and 13.

IV. STIPULATIONS AND UNCONTESTED FACTS

At this junction, the parties do not agree on any stipulations or uncontested facts. Pursuant to the Court's standing order, the parties will continue to confer in good faith to arrive at as many stipulations and uncontested facts as possible in advance of the pretrial conference.

Respectfully submitted,

JOHN R. LAUSCH, JR.
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